IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23959 of 2004

Between:

K. Mutyalu, S/o. Dora Swamy,
Gundrampally PACS, Gundrampally, Chityala Mandal, Nalgonda District.

..... PETITIONER

AND

1 The District Collector, Nalgonda District at Nalgonda.
2 The District Cooperative Officer, Nalgonda District at Nalgonda.
3 The Divisional Cooperative Officer, Bhuvanagiri, Nalgonda District.
4 The Gundrampally PACS, Gundrampally Chityala Mandal, Nalgonda District
Rep by its Chairman/PIC

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 4th respondent in terminating the service of the petitioner orally w.e.f. 1510-2004 without any notice or opportunity and further action of the respondent 2 and 3 in not taking any action against the 4th respondent as highly illegal, arbitrary and violative of Art. 14 and 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioner by paying salaries due to him with all attendant benefits.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: Mr. T.Amarnath Goud

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 4th respondent in terminating the petitioner's service with effect from 15.10.2004 without issuing any notice or giving any opportunity as illegal and arbitrary and consequently direct the respondents to reinstate the petitioner by paying salaries due to him with all attendant benefits.

The case of the petitioner is that while he was working as Attender with the 4th respondent his services were terminated orally with effect from 15.10.2004.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation and perused the material on record.

The learned counsel for the petitioner has contended that the without there being any notice or opportunity, the petitioner's services were terminated.

On the other hand, the learned Government Pleader for the respondents has contended that the issue is squarely covered by the common order passed by this Court in W.P.No.3171 of 2003 and batch, dated 30.8.2004.

Whether the termination of service is bad in law or against the provisions of the Act is required to be decided by the Tribunal constituted under the Industrial Dispute Act, 1947 or under A.P. Shops and Establishments Act, 1988.

In view of the orders passed by this Court in W.P.No.3171 of 2003, dated 30.8.2004, the writ petition is dismissed leaving open the remedies available under law to the petitioner to challenge the same in appropriate forum. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

9th March, 2005

bcj

To

1 The District Collector, Nalgonda District at Nalgonda.
2 The District Cooperative Officer, Nalgonda District at Nalgonda.
3 The Divisional Cooperative Officer, Bhuvanagiri, Nalgonda District.
4 The Gundrampally PACS, Gundrampally Chityala Mandal, Nalgonda District Rep by its Chairman/PIC

5 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies